



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

NOTES ON MUNICIPAL GOVERNMENT.

AMERICAN CITIES.

New York State.—*Taxation of Franchises.* The Legislature of New York has just passed an act amending the tax laws of the State so as to make the public franchises of corporations subject to taxation. The law provides that the assessment of the property of surface, under-ground or elevated railroads shall include the value of all franchises, rights or permission to construct, maintain or operate the same in, under, above, on or through streets, highways or public places. Furthermore, the property valuation of all the companies for conducting steam, heat, water, oil, electricity, or any property, substance, product capable of transportation or conveyance in mains, pipes or tanks, laid or placed in, upon, above or under any public or private street, shall include the value of all franchises and rights, in, under, above, on or through any streets, highways or public places. This amendment to the tax law will mean a considerable increase in the revenues of the state. For the first time in the history of New York corporations enjoying public franchises will be compelled to give something approaching an adequate return for the public privileges which they enjoy.

Greater New York.—*City Charter.* Although the charter of the Greater New York has been in operation but little over a year several weaknesses in the organization have already begun to appear. The most important of these is to be found in the bi-cameral legislature and the lack of real power of the borough presidents. It is difficult to understand why the Greater New York Commission, with the experience of every large city of the United States before it, should have reverted to the bi-cameral system after the boroughs of New York and Brooklyn had discarded that plan for a number of years. One year of actual trial has proved conclusively the defects of the system. Under a bi-cameral system one branch of the legislative authority is able to shift the responsibility upon the other, which is certain to result in serious abuse. It is true that the powers of the Municipal Assembly of the Greater New York are so restricted that it is doubtful whether a vigorous legislative body could be developed under any circumstances.

As regards the position of borough president, it seems likely that the office will prove of little importance except when occupied by a

man of great force and assertiveness. The Honorable Edward M. Grout in his annual report, makes the following statement :

"Doubtless the powers and responsibilities of the office are altogether incommensurate with the dignity of an office filled by election by all the voters of a borough, and the only office under the charter so filled. Whether or not the office is, nevertheless, a useful and necessary one will be clearer of determination after reviewing its first year's record. That its duties may profitably be increased and its powers advantageously enlarged, I entertain no doubt. And that this will be done, if the desire be to increase local self-government, and to avoid a dangerous and unwholesome centralization, is equally clear. But that the office should remain such as it now is seems to me wholly undesirable. All depends upon the line of growth in metropolitan affairs. Greater centralization of all the powers of government will tend to destroy the borough presidencies. But if the fullest measure of local self-government which is consistent with the necessary, and to my mind desirable, state of municipal union, is to be the end sought in developing the present charter, then this office will be made more useful."

Ballot Reform. The City Club of New York has secured the introduction into the Senate of a bill amending the present election law, with a view to simplifying the ballot, the voting and the canvass. The chief ends which the bill seeks to attain are:

1. To place all candidates for the same office on an equality as regards their position on the ballot.
2. To simplify the ballot and to avoid unnecessary repetition upon it.
3. To place all voters upon an equality in the process of voting.
4. To make the process of voting clear and simple.

One of the great difficulties in the present law is to be found in the complex arrangement for the voting of a split ticket. The result of this complexity has been to render invalid a large number of ballots and this fact has so intimidated the voter that rather than jeopardize his vote he prefers to adopt the simple plan of voting a straight ticket. Under the plan contained in the bill the names of candidates for each office will be printed in alphabetical order. A new feature of the bill is the separation by perforations of each part of the ballot. This plan is designed to get rid of certain difficulties in the canvass. The vote for each office will be canvassed by detaching that particular portion from the rest of the ballot. Thus the vote for each office would be finally determined seriatim. An incidental advantage of this system is that the incorrect marking of one portion of the ballot would not make void the whole as is the case under the law now in force.

Pennsylvania.—*Civil Service Reform.* The movement for civil service reform is slowly gaining ground in Pennsylvania and has found expression in a bill recently introduced into the legislature by the Hon. Clinton Rogers Woodruff. Although the legislature adjourned without acting on the measure there is every reason to hope that it will receive more favorable consideration at the next session. The bill provides for a State Civil Service Commission, composed of three members, to be appointed by the governor, with the advice and consent of the senate. This commission is to classify all the offices in the public service of the state, cities and counties, and even of boroughs containing one thousand inhabitants or over. Certain exemptions are made in the case of confidential clerks, private secretaries and heads of departments. The rules and regulations for admission to the public service as prepared by the state commission must be enforced by any local commissions that may be established in cities or counties.

The bill furthermore outlines in a general way the standards to which the rules of the commission must conform. The closing sections of the bill provide against assessment by officeholders for political purposes. Such assessment, or even the soliciting thereof, is made a misdemeanor, punishable by imprisonment in the county prison for a term of not less than thirty days or more than one year and by a fine not exceeding five hundred dollars.

Massachusetts.—*Metropolitan Park Commission.* The report of the Metropolitan Park Commission for 1898 gives an account of the work of the commission during the five years of its existence. The establishment of the commission in 1893 was the result of long agitation for the preservation of certain areas which, because of their natural advantages, were well adapted for park purposes. It was felt that unless some action were taken by the state these areas would soon be covered with factories, or otherwise rendered unfit for public enjoyment. The towns immediately surrounding Boston were unable to bear the financial burden of acquiring large sections for public parks. The development of a general system of parks was of interest not merely to these localities but to Boston as well, as they would furnish places of recreation for the population of the city. Recognizing this fact the State Legislature created a metropolitan park district and placed the management of its affairs in the hands of a board of park commissioners appointed by the governor. During the five years of its existence the commission has expended nearly eight million dollars. The result of its labors has been the creation of a system of parks within the metropolitan district which is far in advance of anything accomplished by American, or even European

cities. The commission has not restricted itself to the acquisition of park area but has undertaken the construction of park ways. Improvements on a large scale have also been carried out on those areas acquired on the sea coast. The Revere Beach improvement, which has been referred to in a previous number of the ANNALS,* has been further extended and is at present one of the most popular resorts in the vicinity of Boston.

Boston.—*Inaugural Message of the Mayor.* The inaugural message of Mayor Quincy contains so many recommendations of interest to the student of municipal government that it is difficult to summarize the message without doing injustice to its importance. The mayor points out that the creation of a board of apportionment, with almost unlimited powers over the city's finances, has still further reduced the importance of the city council and has made its reorganization imperatively necessary. The mayor regards the maintenance of a lower chamber of seventy-five members as unnecessary. He recommends the merging of the board of aldermen and the council into one body and the combining of a system of district and general representation in its organization.

As regards the school administration, the mayor comments favorably upon the system of giving to the school board independent powers of taxation, a system which was inaugurated in 1898. Under this plan the school committee is empowered to levy a maximum of \$2.90 upon each thousand dollars of the actual taxable valuation of the city. Inasmuch as the maximum tax which the city may levy for all purposes is nine dollars per thousand, it will be seen that the department of education is given nearly one-third of the total income from taxation. The advantages of this system of separate taxation are numerous, the most important of which is to be found in the fact that the school committee is able to adjust the expenditure more closely to the actual needs of the educational system. Where the educational department is dependent upon appropriations by the city council the usual result is that the educational authorities exaggerate their estimates and the city council in making a general and sweeping reduction cripples one part of the educational administration and grants undue sums to another.

Other subjects of interest touched upon in the report are the advisability of establishing further municipal gymnasia, provision for increased water supply, play-grounds, parks, etc.

Limitation of Height of Buildings. The question of limiting the height of buildings has been agitating most of our large cities for

* See Notes on Municipal Government, ANNALS, Vol. xii, p. 305 (Sept., 1898).

some time past. As yet no satisfactory solution has been arrived at, owing to the desire to protect individual rights and to prevent any encroachment upon what seems to many to be a matter of individual choice. The question arose recently in Boston in connection with the erection of buildings around Copley Square, one of the centrally located open places, and around which a number of public buildings, notably the public library, are situated. The proposal to erect an apartment house ninety-six feet high brought the matter to a definite issue. The legislature passed an act providing that no building within a certain defined district adjacent to the square should be built to a greater height than ninety feet. A provision of the act which has hampered the city in its enforcement specifies that any person sustaining damage or loss in his property by reason of the limitation of height may recover damages from the City of Boston. If this provision should receive general acceptance it is evident that the power of municipalities to restrict the height of buildings will be of little value, inasmuch as it will mean a very serious burden to the finances of the city.

Direct Employment of Labor. During the last few years the City of Boston has made several experiments in the substitution of direct municipal employment for contract labor, the city attending to the execution of electrical construction and repair work and of all kinds of repairs and alterations upon public buildings. The aggregate expenditures for these three services amounts to about \$400,000 a year. The results of this method up to the present time have been very encouraging. More efficient work has been obtained at a lower cost in spite of the fact that the rate of wages has been increased and conditions of employment generally improved. The mayor strongly recommends that where public work is still carried on under the contract system the conditions of employment and the rate of wages be inserted in such contracts.

Washington, D. C.—*Direct Employment of Labor by the Municipality.* The Commissioners of the District of Columbia in their annual report for 1898 make very definite recommendations concerning the employment of labor by the municipality. During the year the District authorities made the first experiment in the substitution of direct employment for the contract system. This was done in the street cleaning department, an appropriation of \$15,000 having been made by Congress for this purpose. The superintendent of street cleaning reports that "for the four months' trial in this direction, beginning July 1, 1898, the department has cleaned daily 308,512 square yards, or a total of 29,518,639 square yards, of street paving at a total cost of \$5,698.69, which is at the rate of a trifle less than 19½

cents per thousand square yards. The contractor's price for the same kind of work is 32 cents per thousand square yards. This comparison has been made between sections of the city which are swept by hand under the two systems. On this basis the superintendent reports that the District will sweep at a cost of \$15,000 an area equal to that swept by the contractor at a cost of \$26,242.81. It is interesting to note that while the contractor pays his laborers but one dollar per day the District authorities have paid one dollar and a quarter for the same work.

In comparing the hand with machine cleaning system the commissioners strongly emphasize the fact that the former is far more satisfactory and at the same time cheaper. Thus the contractor's price for machine cleaning is $25\frac{3}{4}$ cents per thousand square yards, while the cost of hand cleaning by day labor without contract is $19\frac{1}{3}$ cents. This comparison which is made by the superintendent is hardly a fair one, as will be shown by comparing the contractor's figures for hand and machine cleaning. The latter is $6\frac{1}{4}$ cents cheaper, which means that the city may be able to do machine cleaning at $13\frac{1}{2}$ cents per thousand square yards for machine cleaning as compared with $19\frac{1}{3}$ cents for hand cleaning. However this may be, the report is interesting as an indication of the trend of opinion in favor of the substitution of direct employment for contract labor. It is a movement which is acquiring strength in England as well as in this country, while on the Continent of Europe it has already reached a high degree of development.

Cincinnati. *—*Franchise Gas Works.* The all absorbing topic of public interest has been the new gas franchise. About a month ago, a new gas company was incorporated and petitioned the board of legislature (city council) for a franchise granting it the privilege of furnishing natural and artificial gas for illuminating and fuel purposes, natural gas to be furnished at fifty cents per 1,000 cubic feet, and artificial gas at ninety cents and \$1.00, with 10 per cent discount.

There appeared as counsel for this new company a legal firm of which a prominent politician, an active member of the dominant machine, is a member. When this fact became known there was no doubt as to the result. The stock of the present gas company, which has a contract to furnish gas until 1902, then quoted at 209, began to decline. The committee on light after a rather perfunctory hearing recommended the passage of the ordinance granting the franchise, and by a vote of twenty-three to nine the measure passed. Gas stock dropped to 184. The main objection urged against the ordinance was

* Communication of Max B. May, Esq.

that natural gas would not last and that artificial gas should be furnished cheaper than the rate fixed by the ordinance.

The ordinance is not yet a law. Before it takes effect it must pass the board of city affairs a body out of harmony with the political machine that is acting as sponsor for the new measure, and be approved by the mayor. There is a provision in the present gas contract permitting the city to purchase the gas works at a value to be fixed by appraisement, and there is quite a sentiment in this community for municipal ownership of gas works. In fact the mayor in his recent annual message recommended the purchase of the gas works by the city, provided the merit system could be adopted. Whether or not the new ordinance is passed, cheaper gas both for fuel and illuminating purposes will be furnished to the citizens within a short time.

Boston.*—*Legislative Interference.* Municipal progress in Boston is much impeded by wanton interference on the part of the legislature of the state. The board of estimate and apportionment, established by the legislature of 1898, has been working admirably, promising greatly increased economy and efficiency in the finances of the city. But this year, the new body having been only five months in existence, the legislature has reversed the action of its predecessor and abolished the board, notwithstanding the very strong public sentiment in its favor and the strong committee report against the bill to that end. The merchants' municipal committee, a non-partisan body advisory to the mayor, in protesting against the abolition, said that the board was intended to be a powerful factor in divorcing city finances from city politics and declared that the attempt to abolish it had for its purpose the defeat of that end. The committee felt convinced that the continuance of the board would prove of great benefit, not to any single administration, or to either political party, but to the taxpayers of the city. The political faction interested in the abolition, however, proved strong enough at the State House to secure its end.

Street Railways. The legislature has, passed an act submitting to the voters of Boston, at the next municipal election, the question as to whether or not the street car tracks removed from Tremont and Boylston streets under the subway act shall be restored to those thoroughfares. It was claimed in behalf of the measure that the removal of the tracks had caused a congestion of traffic in the subway. It appears, however, that this congestion will be relieved as soon as the new elevated system now under construction is completed.

* Communication of Sylvester Baxter, Esq.

FOREIGN CITIES.

England.—*Municipal Water Works.* The statistical official of the London County Council, Mr. G. L. Gomme, has compiled a report on the "Municipal Ownership and Operation of Water Works in England and Wales." The inquiry extends over the four classes of local sub-divisions which have authority to undertake the construction and operation of water works. These are, first, county boroughs, which include all the larger cities; secondly, municipal boroughs other than county boroughs, which include the smaller towns; third, the urban sanitary districts, administered by the urban district councils under the local government act of 1894, and, finally, the rural districts administered by rural district councils under the same act.

Of the sixty-four county boroughs in England and Wales, forty-three control and operate their own water works; three others enjoy joint ownership of one plant. Of these, twenty-nine derive a profit over and above interest and liquidation charges. In almost every instance the fixed charges have been greatly increased by the fact that the supply of water was first taken up by private corporations and that the franchise rights had to be expropriated, a procedure involving the necessity of paying to the companies the value of their franchise.

Of the 241 boroughs other than county boroughs, 139 have established and operate the water system. The aggregate of the transactions of these municipal systems is as follows: receipts, \$2,624,850; expenditures, \$1,207,400; indebtedness, \$35,813,380. Of the 766 urban sanitary districts 356 have established their own water system. There is no indication that any of the rural sanitary districts have as yet established a public water supply. The aggregate of transactions of the water works departments in these districts for the year 1895-96 was as follows: receipts, \$1,885,910; expenditures, \$914,050; indebtedness, \$15,875,480.

In contrasting the public management of water works in English cities with American methods, the most striking difference is to be found in the care with which all indebtedness, interest and depreciation charges are debited against the works. In this way it is possible to include actual profits and to keep the works on the same financial basis as if they were managed by a private corporation.

Birmingham.—*Street Railways.* The Public Works Committee of the corporation of Birmingham has recently published a report on the street railway system of the city, in which the committee urges the municipal authorities to acquire complete control of this service. The plan suggested by the committee is to take over each line as the franchise period expires. In support of this change the committee

shows that the city is able to borrow money at a lower rate than private corporations, that under municipal control lines will be extended to new sections, that the reduction in expenses by reason of consolidation would mean a very large saving, and finally that under municipal management the immediate substitution of an improved motor for the present system would take place. One of the greatest difficulties, however, is to be found in the fact that the street railway system is inter-municipal rather than municipal. Adjoining towns are connected with Birmingham by means of one continuous system of street railways. This would necessitate either the municipal operation of street railways beyond the city boundaries or the breaking up of one continuous system into a number of district lines. It is hardly likely that the English Government will permit the municipalities to engage in such extra-municipal enterprises, while the disadvantages of the second plan are so manifest as to make it practically impossible. The only satisfactory solution seems to be the formation of a new form of municipal corporation similar to the metropolitan water and drainage districts, which are no longer new to English administrative system. The metropolitan street railway district becomes a necessity as soon as the municipalization of street railways begins. Inasmuch as none of the franchises of private companies expire until 1903 the city has sufficient time to prepare a plan for the execution of the recommendations of the Committee.

Paris.—*Water Supply.* The increase of the water supply of Paris has reached an acute stage owing to the fact that a large section of the city must at stated intervals be supplied with polluted water from the Seine. For some years past the municipal council has been making a thorough investigation of the resources of the district within fifty miles of the city. As yet, no system has been carried out on a large scale although the area of supply is being constantly extended. In a report which has just been presented to the council the commission in charge of a new investigation complains of the great waste of water by the inhabitants of the city. The commission is of the opinion that if water were judiciously used not more than eighty liters per inhabitant, that is a little over twenty gallons, would be required. At present the per capita consumption is 220 liters, or 55 gallons, per day. Compared with the consumption of water in American cities this is a very small amount. The per capita consumption in Philadelphia at the present time is 260 gallons. From the experience of Paris during the last ten years it seems more than probable that for a satisfactory supply the city will have to build longer aqueducts extending a distance of seventy-five or a hundred

miles. An abundant supply of pure water has become absolutely necessary to check the high typhoid death-rate.

Indianapolis—Street Railway Franchise. A recent act of the Legislature has served to clear up a complicated situation in which the question of street railway franchises in Indianapolis was placed by a series of conflicting decisions by the state and federal courts. The Citizens' Railroad Company obtained its franchise from the city in 1864 for a period of thirty years. In 1880 the common council extended the term for a period of seven years, which would postpone the expiration of the franchise until 1901. In 1893, one year before the expiration of the franchise under the original grant, the city attorney of Indianapolis decided that the seven years' extension was invalid and that the franchise of the Citizens' Company would therefore expire in 1894. Acting in conformity with this rule, the city entered into contract with another company known as the City Railway Company. By the terms of this contract the new company was given a franchise for a period of thirty years on condition of establishing a five cent fare and selling six tickets for twenty-five cents. The Citizens' Company immediately applied for an injunction to the United States Circuit Court claiming that the city had no right to terminate the franchise, and that this could only be done by the legislature. The court sustained this claim. On appeal to the Supreme Court of the United States it was held* that as the franchise of the Citizens Company would certainly not expire until January 18, 1901, it was not necessary to decide the question of perpetual right. The decision of the Circuit Court after a refusal by the Supreme Court to decide on the perpetuity of the franchise led to the passage of an act by the legislature in 1897 providing that the franchise of the Citizens' Company should terminate in 1901. At the same session the legislature passed the famous three cent fare act, which provided that in cities with a population of 100,000 or over according to the census of 1890, three cents should be the maximum fare and should entitle the passenger to universal transfer privileges. The constitutionality of this act was contested in the federal courts on the ground that it was a form of special legislation forbidden by the state constitution. The court upheld this view, stating that the limitation to cities with a population of 100,000 at the census of 1890 be made applicable to the city of Indianapolis and prevented it from applying to any other city in the future, inasmuch as Indianapolis was the only city with a population of 100,000 at the time of the census. Inasmuch as the act declaring the termination of the franchise of the Citizens' Company contained a similar provision as to the cities with a population

* 166 U. S. 507.

of one hundred thousand, the effect of the decision was to invalidate this act. To complicate the situation, the same question arose a few weeks later in the Supreme Court of the state, when a different construction was placed upon the act when the court took the view declaring the three cent fare act to be constitutional, inasmuch as the federal courts have usually followed the Supreme Court of the State in the interpretation of the state constitution, a motion was immediately made before the federal courts to observe the injunction against the City Company on the ground that the federal courts were bound to follow the decision of the State Supreme Court. The Circuit Court of the United States overruled the motion and declined to be bound by the decision of the State Supreme Court. The United States Circuit Court of Appeals to which an appeal, had been taken, decided that it had no jurisdiction to review the decision of the court below.

In order to clear up the situation the city attorney of Indianapolis commenced an action against both companies in order to determine their respective interests in the streets of the city. After considerable litigation the Supreme Court of the state, in December, 1898, decided (1) that the contract of the city with the City Company was valid, (2) that the act declaring the franchise of the Citizens' Company to expire on January 1, 1901, was constitutional. This decision was rendered by a majority opinion of the court, but a few days after the decision three judges who agreed to the majority opinion retired from the bench. The court as reconstructed granted a rehearing but no decision has as yet been reached. When the legislature of 1899 met, public opinion against the three cent fare act had become quite strong, as it has been shown that the company could not pay its interest and other fixed charges on such a basis. The legislature, therefore, repealed the act and authorized the city to enter into contract with any company that might be able to procure the surrender of all outstanding franchises. The new contract might be granted for a period of thirty-four years with the maximum fare of five cents per passage for each passenger with the privilege of universal transfer. Tickets were also to be sold at the rate of six for twenty-five cents and twenty-five for one dollar. Acting under this statute, the Board of Public Works entered into contract with the Indianapolis Street Railway Company. On the sixth of April, 1899, the contract was ratified by the council. The ordinance specifies in great detail the limitations of the franchise and, in addition to fixing the rate of fare and price of tickets, provides that the company shall pay to the city the sum of \$1,160,000, which shall be expended by the city for park purposes. Furthermore, the company must expend at least \$1,000,000 in improving the equipment.

New Orleans—*Civil Service.* The annual report for 1898 of the Board of Civil Service Commissioners of the city of New Orleans contains an account of the work of the board during the second year of its existence. Its activity has been considerably hampered by the refusal of the city council to vote sufficient funds for the carrying on of the work. During the year 1898, 385 applications have been received for examination in the official service and 386 in the labor service. Of these 163 successfully passed the examination in the official service and 167 in the labor service.